

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

FILED

SEP 24 2010

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

MYRTLE H. JAMES

Plaintiff

v.

HARTFORD LIFE AND
ACCIDENT INSURANCE
COMPANY and THE HARTFORD
INSURANCE GROUP

Defendants

CIVIL ACTION FILE NUMBER

3:10-CV-410

Varlan/Shirley

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT**

Now comes defendant HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY ("Hartford")¹, and respectfully shows this honorable Court the
following:

1.

The above-styled action was commenced in the Circuit Court for Blount
County, Tennessee, on August 25, 2010, as Civil Action File No. L-17141, and is
now pending therein.

¹ "The Hartford Insurance Group" is not an entity. "The Hartford" is The
Hartford Financial Services Group and all of its subsidiaries.

2.

This notice of removal of the case to this United States District Court is timely filed by Hartford within thirty (30) days of the filing of the complaint and therefore satisfies the provisions of 28 U.S.C. §§ 1441 and 1446.

3.

The proper parties to this action are plaintiff Myrtle H. James, a citizen of the State of Tennessee who resides within the Eastern District of Tennessee, and defendant Hartford, a corporation organized and existing under the laws of the State of Connecticut, maintaining its principal office and principal place of doing business in Hartford, Connecticut.

4.

In this action, plaintiff seeks to recover long-term disability (“LTD”) benefits under Group Policy No. 83077065 (“the group policy”), a group policy of disability income insurance issued to Blount Memorial Hospital (“Blount Memorial”), by Hartford, to provide LTD benefits to employees of Blount Memorial.

5.

Plaintiff’s complaint specifically requests “compensatory damages from the Defendant in an amount to be determined by the jury, but not less than \$250,000,” “punitive damages,” “treble damages,” a “statutory penalty for bad faith,” and

“reasonable attorney’s fees and costs.” (Complaint, Prayer for Relief, ¶¶ 4-6.)

6.

Therefore, this action is one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that (a) the parties to this action, plaintiff and Hartford, are citizens of different states, and (b) the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000.

7.

Attached hereto and made a part hereof by reference are copies of the following documents filed in the Circuit Court for Blount County, Tennessee:

Exhibit 1 – The original Complaint filed by plaintiff, together with the summons;

Exhibit 2 – Return of Service Letter for “Hartford Insurance Company;”


Exhibit 3 – Return of Service Letter for Hartford Life & Accident Insurance Company; and

Exhibit 4 – The Notice of Notice of Removal filed by Hartford.

WHEREFORE, defendant HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY prays that the Circuit Court for Blount County, Tennessee, proceed no further with Civil Action File No. L-17141, and that said action be removed from the Circuit Court for Blount County, Tennessee to the United States District Court for the Eastern District of Tennessee, Knoxville

Division.

This 24th day of September, 2010.



Elizabeth J. Bondurant
Georgia Bar No. 066690
Nikole M. Crow
Georgia Bar No. 198359

[Admitted EDTN April 17, 2009]

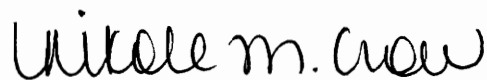
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CERTIFICATE

HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY,
defendant in the case of *Myrtle H. James v. Hartford Life and Accident Insurance Company and The Hartford Insurance Group*, Civil Action File No. L-17141 in the Circuit Court for Blount County, Tennessee, has given notice of the filing of the foregoing Notice of Removal to said plaintiff and her attorney-at-law by mailing a copy of said Notice of Removal to the attorney-of-record for plaintiff at her address in Maryville, Tennessee, and has filed a copy of said Notice of Removal with the Clerk of the Circuit Court for Blount County, Tennessee in accordance with 28 U.S.C. § 1446. The undersigned counsel of record for Hartford Life and Accident Insurance Company hereby certifies that the above statement is true and correct.

This 24th day of September, 2010.



Nikole M. Crow
Georgia Bar No. 198359
[Admitted EDTN April 17, 2009]

Attorney for Defendant

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